# UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

In re: Wendy Gail Mitkowski		Case N	0.	
		CHAPTER 13 PLAN		
		_ <b>X</b> _O <sub>1</sub>	iginal	AMENDED
	Debtor(s).	Date:	May 29, 2019	_
	Debioi(s).	Date.	Way 23, 2019	
I.	Disclosure of Nonstandard Provisions and Plan's Moo	lificatio	n of Secured Debt:	
	A. Does this plan contain any nonstandard provisions (c	heck one	e)?	
	XYes			
	No			
	B. Does this plan limit the amount of a secured claim bas (check one)?	sed on a	varuation of the conate	eral for the claim
	Yes			
	X No			
	C. Does this plan avoid a security interest or lien (check	one)?		
	Yes			
TO 1 TO	X No			
	Debtor has either not indicated "yes" in the applicable section			
	ge in this plan purporting to limit the amount of a secured of or lien is void. Even if the Debtor indicated "no" in Section			
	I claim based on a valuation of the collateral for the claim			
proceed		n uvolu	a security interest of it	ion unough a motion of an adversary
•				
II.	Means Test Result and Plan Duration:			
	Debtor is (check one):			
	$\underline{\mathbf{X}}$ a below median income debtor with a 36 month			
	an above median income debtor with a 60 mont	h applica	ible commitment perio	od
The pla	n's length shall not be less than the Debtor's applicable co	mmitme	nt period unless the pl	an either provides for payment in full
	wed unsecured claims over a shorter period or is modified p			
plan's l	ength shall automatically be extended up to 60 months after	er the fir	st payment is due if ne	cessary to complete the plan
1II.	Plan Payments to the Trustee:			
No	later than 30 days after the order for relief, the Debtor sha	ll comm	ence making payments	s to the Trustee as follows:
	A. AMOUNT: \$_ <b>500.00</b> _			
	B. FREQUENCY (check one):			
	X Monthly			
	Twice per month			
	Every two weeks Weekly			
	C. TAX REFUNDS: The Debtor (check one):			
	commits all tax refunds to funding the plan.	Commit	ed refunds shall be pa	id in addition to the plan payment
	amount stated above.			puin puj mont
	<b>x</b> does not commit; all tax refunds to funding	the plan	. If no selection is mad	de, tax refunds are committed.
	D. PAYMENTS: Plan payments shall be deducted			
	or ordered by the Court.		-	-
	E. OTHER:			

## IV. Distribution of Plan Payments by the Trustee:

Upon confirmation of the plan, the Trustee shall disburse funds received in the following order and creditors shall apply them accordingly, provided that disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcv law: ADMINISTRATIVE EXPENSES: A. 1. Trustee. The percentage set pursuant to 28 USC §586(e). 2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b). 3. The Debtor's Attorney's Fees: Pre-confirmation attorney's fees and/or costs and expenses are estimated to be \$ **4,000.00** . \$ **700.00** was paid prior to filing. Approved attorney compensation shall be paid as follows (check one): a. X Prior to all creditors b. Monthly payments of \$ c. All remaining funds available after designated monthly payments to the following creditors: . . d. Other: . If no selection is made, approved compensation will be paid after the monthly payments specified in Sections IV.B and IV.C. B. CURRENT DOMESTIC SUPPORT OBLIGATIONS: Creditor Monthly amount -NONE-C. SECURED CLAIMS: Only creditors holding allowed secured claims specified below or provided in Section X will receive payment from the Trustee. Unless ranked otherwise, payments to secured creditors will be disbursed at the same level. Secured creditors shall retain their liens until the earlier of payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 U.S.C. § 1328. Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor's rights under state law if the case is dismissed. The interest rates in the plan control except that (a) a lower interest rate included in a creditor's proof of claim shall control; and (b) the interest rate included in a creditor's proof of claim for a claim secured by a mortgage or deed of trust on real property shall control, unless otherwise provided in Section X or ordered following an objection to a proof of claim or in an adversary proceeding. If the interest rate is left blank, the interest rate shall be 12% except that the interest rate for arrearages on claims secured by a mortgage or deed of trust on real property shall be 0%. For claims secured by personal property, the monthly payment amounts in the plan control. For claims secured by real property, the monthly payment amounts in the creditor's proof of claim and notice of payment change control unless otherwise provided in Section X. If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes. Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured Only by Security Interest in the Debtor's Principal Residence (Interest included in payments at contract rate, if applicable): Ongoing Payments: Rank **Monthly Payment** Creditor Collateral -NONE-

2. Payments on Claims, or Non-Escrowed Postpetition Property Tax Holding Accounts, Secured by Real Property Other than the Debtor's Principal Residence:

Ongoing	Payments:
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<u>Rank</u>	Monthly Paymer  \$ -N	nt <u>Creditor</u> ONE-	<u>Collateral</u>	_	Interest Rate %
Cure Pa	Monthly Payment  \$	Creditor -NONE-	<u>Collateral</u>	Arrears to be Cured	Interest Rate %
interest other pe pre-con	in any motor vehicle a ersonal property acquifirmation adequate proon Monthly Payment	Payments on Claims Securia.  a. 910 Collateral.  tract balance stated in the allower acquired for the personal use of a red within one year preceding the otection payments shall be paid by or, if blank, in the amounts state	ed proof of claim for a purchase the Debtor within 910 days pre e filing date of the petition as s by the Trustee in the amounts s	ceding the filing date of the pecified below. The Debt tated as the "Pre-Confirm"	or stipulates that ation Adequate
Rank	Monthly Payment	Creditor -NONE-	<u>Collateral</u>	Pre-Confirmation Adequate Protection Monthly Payment \$	Interest Rate %
b. Non-910 Collateral.  The Trustee shall pay the value of collateral stated in the proof of claim, unless otherwise provided in Section X or ordered following a timely objection to a proof of claim or in an adversary proceeding, for a security interest in personal property which is non-910 collateral. The Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee in the amounts stated as the "Pre-Confirmation Adequate Protection Monthly Payment" or, if blank, in the amounts stated as the "Monthly Payment" as specified below after the creditor files a proof of claim.					
Rank	Monthly Payment  \$ 153.75	Creditor Co	Debtor's Value of <u>Description</u> Description  Description  Collateral  FURNITURE	Pre-Confirmation Adequate Protection Monthly Payment	Interest Rate
	order stated in 11 U.  E. NONPRIO	CLAIMS: Payment in full, on a S.C. § 507(a).  RITY UNSECURED CLAIMS: ive and priority unsecured credit	No funds shall be paid to nonp	riority unsecured creditors	s until all

The Trustee shall pay filed and allowed nonpriority unsecured claims as follows (check one):

100%				
X	At least \$_	0		

The Trustee shall pay the following specially classified nonpriority unsecured claims prior to other nonpriority unsecured claims:

Rank	Creditor	<b>Amount of Claim</b>	Percentage to be Paid	Reason for Special Classification
	-NONE-	\$	%	

#### V. Direct Payments to be made by the Debtor and not by the Trustee:

The following claims shall be paid directly by the Debtor according to the terms of the contract or support or withholding order, and shall receive no payments from the Trustee. (Payment stated shall not bind any party.)

#### A. DIRECT PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:

Creditor -NONE-	Current Monthly Su \$ 	pport Obligation Mon \$	thly Arrearage Payment
В.	OTHER DIRECT PAYMENTS:		
Creditor LOAN DEPOT	Nature of Debt First Mortgage	Amount of Claim \$ 188,000.00	<b>Monthly Payment</b> \$ 1,229.00

#### VI. Secured Property Surrendered:

The secured property described below will be surrendered to the following named creditors on confirmation. The Debtor requests that upon confirmation, each creditor (including successors and assigns) to which the Debtor is surrendering property pursuant to this section be granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) to enforce its security interest against the property including taking possession and sale.

Creditor -NONE- **Property to be Surrendered** 

#### VII. Executory Contracts and Leases:

The Debtor will assume or reject executory contracts or unexpired leases as specified below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid directly by the Debtor under Section V, unless otherwise specified in the plan. Any executory contract or unexpired lease not assumed pursuant to 11 U.S.C. § 365(d) is rejected. If rejected, upon confirmation the creditor is granted relief from the stays of 11 U.S.C. §§ 362(a) and 1301(a) with respect to the property which is the subject of the rejected contract or lease, and any allowed unsecured claim for damages shall be paid under Section IV.E.

Contract/Lease n/a Assumed or Rejected

#### VIII. Property of the Estate:

Property of the estate is defined in 11 U.S.C. § 1306(a). Unless otherwise ordered by the Court, property of the estate in possession of the Debtor on the petition date shall vest in the Debtor upon confirmation. However, the Debtor shall not lease, sell, encumber, transfer or otherwise dispose of any interest in real property or personal property without the Court's prior approval, except that the Debtor may dispose of unencumbered personal property with a value of \$10,000 or less without the Court's approval. Property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) acquired by the Debtor post-petition shall vest in the Trustee and be property of the estate. The Debtor shall promptly notify the Trustee if the Debtor becomes entitled to receive a distribution of money or other property (including, but not limited to, bonuses, inheritances, tax refunds or any claim) with a value in excess of \$2,500, unless Section X specifically provides for the Debtor to retain the money or property.

#### IX. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)

#### X. Nonstandard Provisions:

All nonstandard provisions of this plan are set forth in this section and separately numbered. Any nonstandard provision placed elsewhere in this plan is void. Any modifications or omissions to the form plan not set forth in this section are void.

#### A. Student loan(s) will survive the Plan

By filing this plan, the attorney for the Debtor(s) or the Debtor(s) if not represented by an attorney certify that the wording and order of the provisions in this plan are identical to those contained in Local Bankruptcy Form 13-4, other than any nonstandard provisions included in Section X.

### (Signature Page)

/s/ Ellen Ann Brown	/s/ Wendy Gail Mitkowski	May 29, 2019
Ellen Ann Brown 27992	Wendy Gail Mitkowski	Date
Attorney for Debtor(s)	DEBTOR	
May 29, 2019		
Date	DEBTOR	Date